



Paper No. 13

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AUG 11 2008

In re Application of Mu-Lin Chen :
Application No. 09/781,246 : Decision on Petition
Filing Date: February 13, 2001 :
For: Ratchet Wrench :

This is a decision on the petition under 37 CFR 1.137(b), filed July 18, 2008, to revive the above-identified application.

The petition is **granted**.

The Office mailed the inventor a non-final Office action on November 9, 2001. The Office action set an extendable three-month period for reply. The Office did not receive a reply. As a result, the application became abandoned Tuesday, February 12, 2002. The Office mailed a Notice of Abandonment on October 10, 2002.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the reply required to the outstanding Office action or notice, unless previously filed,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

With respect to item (1), petitioner filed a reply to the outstanding Office action at the same time he filed a petition on July 21, 2006.

With respect to item (2), petitioner paid the petition fee on July 21, 2006.

With respect to item (3), the petition filed July 21, 2006, stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The instant petition does not include the exact same

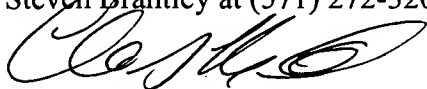
language. To the extent any statement of delay in the instant petition varies from this exact language, the statement will be construed as the equivalent of the statement above. If such an interpretation is incorrect, petitioner should notify the Office.

With respect to item (4), a terminal disclaimer is unnecessary since the application is a utility application filed after June 8, 1995.

Petitioner has met the requirements to revive the application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

After the instant decision is mailed, the file will be forwarded to the examiner in Technology Center Art Unit 3723. The examiner will further examine the application, including the reply filed July 21, 2006, in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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